

THE CALIFORNIA-NEVADA TAHOE BASIN COMMISSION BYLAWS

I. NAME AND GOVERNING AUTHORITY.

The name of this Commission is the California-Nevada Tahoe Basin Fire Commission. This Commission was established under, and is governed by, a *Memorandum of Understanding Between The State of California and The State of Nevada*, which was entered into by the Governors of California and Nevada (“the Governors”) on July 25, 2007.

II. PURPOSE.

The purpose of this Commission is to perform a comprehensive review of the laws, policies, and practices that affect the vulnerability of the Lake Tahoe Basin to wildfires and/or that pertain to fire prevention and fuel management in the Basin.

III. DUTIES AND FUNCTIONS.

The specific duties and functions of this Commission are to study and consider various approaches to reducing identified vulnerabilities of the Tahoe Basin to wildfires, and to make findings and recommendations, which are to be submitted in writing to the Governors of California and Nevada, no later than March 21, 2008. These findings and recommendations shall:

- A. Identify the wildfire suppression and fuel management practices that are currently used in the Tahoe Basin, and evaluate the effectiveness of those practices;
- B. Recommend improvements and changes that will reduce the Tahoe Basin’s wildfire vulnerability while protecting the environment;
- C. Recommend ways to effectively educate homeowners and other members of the public on appropriate fuel reduction and fire-protection measures that they can take.

IV. MEMBERS.

- A. **Voting members.** The total authorized voting membership of the Commission is seventeen (17), including eight (8) voting members appointed by each of the Governors from within the Tahoe Basin; and one (1) voting member to be appointed by the Secretary of the United States Department of Agriculture from the United States Forest Service.
- B. **Non-voting members.** The Commission includes up to six (6) non-voting members, up to three (3) of whom who may be appointed by each of the Governors.
- C. **Members' terms.** All members of the Commission serve at the pleasure of their appointing authorities.
- D. **Vacancies.** A vacancy on the Commission exists on the death or resignation of a member, or upon the removal of a member by his or her appointing power.
- E. **Compensation; reimbursement.** Members of the Commission shall serve without compensation for their services, but may receive reimbursement from their respective states for the expenses which they incur in serving on the Commission.

V. PRINCIPAL OFFICES.

The office of the California State Fire Marshal, at 1131 S. Street, Sacramento, California 95814, and the Office of the Governor, Nevada State Capitol, 101 North Carson Street, Carson City NV 89701, shall be deemed to be the principal offices of the Commission.

VI. OFFICERS.

- A. **Co-Chairs.** The Commission has two Co-Chairs: one appointed by the Governor of California from among his appointees to the Commission, and one appointed by the Governor of Nevada from among his appointees to the Commission. The Co-Chairs shall jointly preside at all meetings of the Commission, and they shall maintain lines of communication with the offices of the Governors of their respective states. If however, only one Co-Chair is present at a Commission meeting, he or she shall be the sole presiding officer.

VI. STAFFING AND SUPPORT FUNCTIONS.

- A. **Assistance from the states.** Logistical and other assistance is available to the Commission from the States of California and Nevada, through the California Resources Agency and its constituent departments, including the Department of Forestry and Fire Protection, and the Office of the Governor, Nevada State Capitol, 101 North Carson Street, Carson City NV 89701 (“the support agencies”). The Co-Chairs shall have discretion to request that the support agencies expend funds or take other steps on the Commission’s behalf, as may be necessary and proper in furthering the Commission’s mandate. By adopting these Bylaws, the Commission authorizes the support agencies, at the request of the Co-Chairs, to take all such steps on the Commission’s behalf.
- B. **Commission Staff Liaison.** The Co-Chairs designate Dana Cole (Dana.Cole@resources.ca.gov) to act as Commission Staff Liaison under their direction. The duties of Staff Liaison are to: prepare and circulate notices and agendas of Commission meetings; coordinate communications to members of the Commission; make arrangements for Commission meetings; prepare and maintain meeting minutes and other records; respond to public information requests; and carry out such other duties as may be necessary for the day-to-day operations and functions of the Commission.

VII. COMMISSION MEETINGS.

- A. **Open meetings.** The business of the Commission shall be conducted in public meetings that shall be open to the public in accordance with the open meetings laws of the two states (respectively, the Bagley-Keene Open Meeting Act, beginning with Section 11120 of the California Government Code, and Chapter 241 of the Nevada Revised Statutes, beginning with Section 241.010) (“the Open Meetings Laws”), except as provided in the closed session provisions of those laws. In the event of a conflict between the Open Meetings Laws, the Commission will comply with the law that provides the greater right of public access.

No person, in order to attend a meeting of the Commission, shall be required to satisfy any condition, including but not limited to, registering his or her name, providing other information, or completing a questionnaire.

- B. **Regular and special meetings.** The Commission shall set a schedule of regular Commission meeting dates and general locations (e.g., Tahoe Basin, Carson City, etc.). In addition, the Co-chairs may jointly call a special meeting of the Commission at any time, if they determine that the meeting is necessary in order

for the Commission to complete its work in a timely fashion. All meeting times and facilities shall be determined by the Co-Chairs.

- C. Notice.** Written notice of each meeting of the Commission shall be given at least **ten** (10) calendar days in advance of the meeting, except to the extent allowed for emergency or special meetings under the Open Meetings Laws. The content of meeting notices and agendas, and the distribution of supporting materials, shall comply with the Open Meetings Laws of both California and Nevada.

Meeting notices shall be:

1. sent by regular U.S. mail and by electronic mail to each member of the Commission;
2. posted on the website of the Commission;
3. posted at: (a) the principal offices of the Commission; (b) the building in which the meeting is to be held; (c) not less than three (3) other prominent places within Carson City and/or elsewhere within the State of Nevada;
4. sent by regular U.S. mail to any person who has requested notice of the meetings of the Commission, or, if the requester has agreed to receive the notice by electronic mail, transmitted to the requester by electronic mail.

- D. Quorum, action, voting.** A majority of the voting members currently serving on the Commission shall constitute a quorum for doing business. No member of the Commission member may be represented by an alternate or proxy for the purpose of constituting a quorum or voting on any matter before the Commission. Action may be taken only by majority vote of the voting Commission members present; *provided*, however, that action to adopt the Commission's final findings and recommendations to the Governors shall be approved by a majority of the Commission members currently serving.

In a duly noticed meeting at which a quorum is present but subsequently lost, the Commission members may continue to discuss duly noticed items, but may not take action after loss of the quorum.

- E. Business to be conducted at meetings.** No item of business may be voted upon at a meeting of the Commission unless notice of the item was given pursuant to these Bylaws and the Open Meetings Laws.

F. Conduct of meetings. All questions of procedure which arise in the Commission's proceedings shall be resolved in accordance with the latest edition of *Robert's Rules of Order*, except as otherwise provided herein or as required by law.

G. Meetings by teleconference. To the extent allowed by, and in accordance with the requirements of the California and Nevada open meeting laws, the Commission may hold meetings by teleconference, provided: (1) the meeting, except for any closed session as permitted by law, is accessible and audible to the public at all meeting locations specified in the meeting notice, including locations with teleconference hookups; (2) the locations of all Commission members participating by teleconference hookup are identified in the notice and agenda of the meeting, and copies of the agendas are posted at the teleconference locations no later than the beginning time of the meeting; (3) members of the public have an opportunity to address the Commission directly during the meeting at all locations listed in the notice; (4) at least one member of the Commission is present at the primary meeting location specified in the meeting notice; and (5) all votes taken during the meeting shall be taken by roll-call; and (6) any and all other requirements of the Open Meetings Laws are complied with.

H. Recording of meetings; minutes. An audio recording shall be made of meetings of the Commission; and written minutes shall be kept for each such meeting, including:

1. The date, time, and place of the meeting;
2. A listing of the Commission members who were present and those who were absent;
3. The substance of all matters proposed, discussed, or decided and, at the request of any member of the Commission, a record of each member's vote on any matter decided by vote
4. The substance of remarks made by any member of the general public who addresses the Commission, if he requests that the minutes reflect his remarks or, if he has prepared written remarks and submitted a copy for inclusion in the minutes, a copy of his prepared remarks; and
5. Any other information which any member of the Commission requests to be included or reflected in the minutes.

I. Public release of minutes or audio recordings of meetings. Within thirty

(30) working days after the adjournment of each Commission meeting, the Commission will make available, for public inspection, the minutes of the meeting, or if the minutes have not yet been approved, an audio recording of the meeting.

VIII. COMMITTEES.

- A. **General.** With the consent of the Commission, the Co-Chairs may appoint committees to help carry out the Commission's purposes, including both standing committees and *ad hoc* committees, and may designate the chair of each committee. Each committee may include Commission members (including non-voting members) and up to three individuals who are not members of the Commission. The Co-Chairs shall be *ex officio* members of all committees.
- B. **Committee meetings.** The requirements of Article VII above, concerning Commission meetings, shall also apply to meetings of committees of the Commission.
- C. **Compensation; reimbursement.** Members of committees shall serve without compensation for their services.
- D. **Assistance from support agencies.** If a committee requires logistical or other assistance in holding meetings, conducting site visits, or carrying out other activities, the committee chair shall forward a request to the Co-Chairs of the Commission, specifically describing the assistance which is needed. The Co-Chairs, if they support the request, will seek to arrange the needed assistance through the support agencies.
- E. **Scope of this article.** This Article VIII does not apply to technical experts, or working groups of technical experts, who are not members of the Commission, or to working groups composed solely of staff representatives of public officials who are not members of the Commission, any of whom may be designated to advise or brief the Commission or a committee on technical matters relating to fire protection, wildfire suppression, and fuels management.

IX. TERMINATION.

The Commission's existence shall cease on the sixtieth (60th) day after the date when the Commission transmits its findings and recommendations to the Governors.

X. STANDING PROCEDURES.

The Commission may at any time adopt such additional procedures as it finds useful or appropriate in carrying out its functions, *provided*, that such procedures (1) do not conflict with these Bylaws, (2) are adopted by action of the Commission at a public meeting, in a manner complying with these Bylaws, and (3) are thereafter publicly recorded or posted, or incorporated in amendments to these Bylaws.

XI. AMENDMENTS.

These Bylaws may be amended by the Commission at any regularly scheduled meeting, provided that the amendment has been submitted to the Commission members in writing, at least 10 days prior to the meeting.

THIS IS TO CERTIFY:

That we are the duly appointed, qualified, and acting Co-Chairs of the **CALIFORNIA-NEVADA TAHOE BASIN FIRE COMMISSION**, and that the foregoing bylaws were adopted as the Bylaws of the said Commission on the 10th day of September, 2007.

IN WITNESS WHEREOF, we have hereunto subscribed our hands on the date(s) set forth below.

Date: _____

KATE DARGAN, Co-Chair

Date: _____

SIG ROGICH, Co-Chair